



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

MARK C. CARTER

Serial No. 10/802,221

Filed: March 16, 2004

For: ERECTABLE SHELTER WITH
COLLAPSIBLE CENTRAL ROOF
SUPPORT

Examiner: Winnie S. Yip

Group Art Unit: 3637

Client ID/Matter No. EZUP 68114

08/30/2005 SHASSEN1 00000007 10802221

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65.00 OP

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION

37 C.F.R. 1.321(b)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The petitioner, Mark C. Carter, is the owner of 100 percent interest in the instant application, Serial No. 10/802,221, filed March 16, 2004, which is a continuation of Serial No. 10/345,903 filed January 16, 2003, now Patent No. 6,712,083, which is a continuation of Serial No. 10/086,077 filed February 28, 2002, now US Patent No. 6,520,196, which is a continuation of Serial No. 09/844,836 filed April 27, 2001, now US Patent No. 6,363,956, which is a continuation of Serial No. 09/550,404 filed April 14, 2000, now US Patent No. 6,230,729, which is a continuation of Serial No. 09/130,774

filed August 7, 1998, now US Patent No. 6,070,604. To the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/802,221, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,363,956, prior Patent No. 6,520,196, and prior Patent No. 6,712,083, which are also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior Patent No. 6,363,956, prior Patent No. 6,520,196, and prior Patent No. 6,712,083 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior Patent No. 6,363,956, and/or prior Patent No. 6,520,196, and/or prior Patent No. 6,712,083, as presently shortened by any terminal disclaimer, in the event that either of them later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is

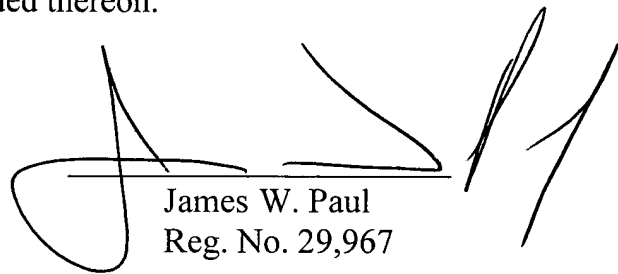
reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

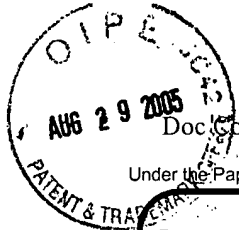
The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8-25-05
Date

99423.1


James W. Paul
Reg. No. 29,967



Doc Code:

PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
for FY 2005**☒ Applicant claims small entity status. See 37 CFR 1.27TOTAL AMOUNT OF PAYMENT (\$) **\$65.00****Complete if Known**

Application Number	10/802,221
Filing Date	March 16, 2004
First Named Inventor	Mark C. Carter
Examiner Name	Winnie S. Yip
Art Unit	3637
Attorney Docket No.	EZUP 68114

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Deposit Account Number: 06-2425 Deposit Account Name: Fulwider Patton ...

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims Fee (\$)	Fee Paid (\$)
_____ - 20 or HP = _____	x	<u>\$50.00</u>	=	<u>\$0.00</u>	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	
_____ - 3 or HP = _____	x	<u>\$200.00</u>	=	<u>\$0.00</u>

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	<u>0</u> / 50	<u>0</u> (round up to a whole)	x <u>\$250.00</u>	= <u>\$0.00</u>

4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer**\$65.00****SUBMITTED BY**

Signature	<u>David G. Parkhurst</u>	Registration No. (Attorney/Agent)	29,422	Telephone	310-824-5555
Name (Print/Type)	David G. Parkhurst			Date	August 25, 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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